IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence has been electronically filed with the U.S. Patent and Trademark Office via the EFS Web on MAY 12, 2008.

Matthew J. Himich
Reg. No. 47,650

In re application of: Norman Jr.	:	
Serial No.: 10/061,675	:	Examiner: Le, Linh Giang
Filed: February 2, 2002	:	Group Art Unit: 3626
For: APPARATUS AND METHOD FOR DIRECTING INTERNET USERS TO HEALTHCARE INFORMATION	:	

REPLY BRIEF

The following remarks are presented in response to the Examiner's Answer mailed on March 13, 2008.

REPLY TO EXAMINER'S ANSWER

I. The Examiner Failed to Establish that the Invention Recited in Claim 8 is the Same Invention as Set Forth in Claims 1-8, 12-15 and 19-23 of U.S. Pat. No. 6,738,754.

The Examiner's contention that claim 8 is unpatentable under statutory double patenting in view of U.S. Pat. No. 6,738,754 is clearly in error and should be reversed. It is clear on its face that claim 8 has a different scope than any of the independent claims of U.S. Pat. No. 6,738,754. It is only proper to reject an application under statutory double patenting when the scope of protection defined by the claims is identical. That is not the case here and again the Examiner failed to identify the identical subject matter that would render claim 8 unpatentable under statutory double patenting.

II. Claims 1-5 and 13-11 are Patentable over Lapsker and Iliff

The Examiner cites to no prior art references that disclose placing website information on a prescription pad to allow a patient to access information about his or her disease. While Lapsker teaches a prescription pad and Iliff teaches a diagnostic system for a patient to obtain a diagnosis of his or her ailment, none of these references would supply one of ordinary skill in the art with knowledge to place on a prescription pad an address for an internet website to allow a patient to access information about his or her ailment. Because this teaching is missing from both the Lapsker and Iliff references, it cannot be merely a combination of old elements taught by these references, as alleged by the Examiner.

The Examiner appears to concede this conclusion by stating that the information placed on the prescription pad is "just data" and entitled to "no patentable weight." This is an erroneous claim construction and represents a retreat from the Examiner's prior position that adding the internet feature of Iliff to the prescription pad taught by Lapsker would provide an automated way of providing patient medical advice and a diagnosis that is quick, efficient and accurate. It

is clear that methods recited in claims 1 and 11 require that a diagnostic procedure is to be performed on a patient to identify an ailment of a patient before the prescription sheet of the prescription pad is given to the patient, and that the prescription sheet contains an address for allowing the patient to access the internet to obtain information about the ailment. As set forth in the specification, this allows the patient to reliably navigate through extremely large databases of healthcare information to arrive at the precise information relevant to the patient's ailment. The Examiner's contention that the internet website address on the prescription pad is entitled to no patentable weight as "no requisite functionality is imparted by the data printed on the pad" is a clear erroneous position. There is no bar to reciting an invention in terms of how it works or functions. Further, the claims positively recite the cooperative relationship of the internet address, the prescription pad sheet, the patient or user, and the access to the internet based upon the web address on the prescription pad. Because the Examiner has failed to articulate any reason why claims 1-5 and 11-13 are made obvious by the Lapsker and Iliff patents, the Examiner's rejection of these claims should be reversed.

III. The McIlroy Patent Fails to Render Claims 6-10, 14 and 19 Obvious Even If Combined with the Lapsker and Iliff Patents

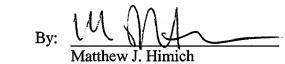
In rejecting the claims in view of Lapsker, Iliff and McIlroy, the Examiner has ignored critical limitations regarding the diagnostic process performed on the patient and the step of providing the patient or user with a means to access information about their ailment on the internet. Because this teaching is missing from both the Lapsker and Iliff references, it cannot be merely a combination of old elements taught by these references, as is alleged by the Examiner. McIlroy also has nothing to do with this subject matter, but rather describes a system used by healthcare professionals to evaluate whether a treatment regimen that a patient is receiving is in accordance with guidelines or other standardized treatment options. The system

described in McIlroy is not used by a patient, but rather by healthcare professionals to manage and assess a patient's treatment. Because McIlroy fails to provide any teachings related to the diagnostic process performed on a patient and then providing the patient with a means to access further information about the ailment on the internet, the McIlroy reference, whether considered alone or together with the Lapsker and Iliff references, fails to render the claims unpatentable.

CONCLUSION

It is respectfully submitted that the final rejection of claims 1-14 and 19 is made in error and should be reversed and the claims allowed.

Respectfully submitted,
Thompson Coburn LLP

By: 

Matthew J. Himich
Reg. No. 47,650
One US Bank Plaza
St. Louis, MO 63101-1693
(314) 552-6000
(314) 552-7000 (fax)